

Appl. No. : 09/428,018  
Filed : October 27, 1999

Pietsch by forming the heat transfer surfaces as folded sheets as in of a thermally conductive material of Quisenberry to obtain a heat exchanger.

However, Quisenberry does not disclose, teach or suggest the formation of a folded thermally conductive material into a fan configuration. Nor is it obvious or a simple design choice for one of ordinary skill in the art to modify the rotary thermoelectric heat exchanger of Pietsch by forming the heat transfer surfaces as folded sheets of a thermally conductive material. Applicant directs the Examiner's attention to the Declaration of Lon E. Bell, as evidence of the nonobviousness of independent Claims 73 and 87. Dr. Bell points out that there is a reason why it is not obvious to use a folded heat exchanger material to form the circular configuration of Pietsch. Specifically, the fold itself limits the ability to control the spacing between the blades at the inner radius and the outer radius. The spacing is wider at the outside radius than the inside radius. However, the fold limits the ability to adjust these spacings, and create an efficient fan. Accordingly, it would not be obvious to one of ordinary skill in the art to create this structure.

Accordingly, Applicant respectfully requests that the rejection of independent Claims 73 and 87 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Pietsch and Frantti Do Not Render Obvious Amended Claims 93-94**

Claims 93-94 were rejected under 35 U.S.C. § 103(a) as being obvious over Pietsch in view of Frantti.

Applicant has amended Claims 93 and 94. Pietsch and Frantti do not render obvious amended Claims 93-94. In FIG. 2 of the Frantti patent, only a very small portion of the motor 36 is nested between the blades of the fan 39. As a result, nearly the entire motor 36 (as well as the mounting struts 37 and relay casing 78) extends beyond the plane of the fan 39, and beyond the planar portion of the air conditioning device 11 as well. In fact, in FIG. 2 the installation of the motor more than *doubles* the overall height of the device 11. Because of the meager extent of this nesting, a device constructed according to the teachings of Frantti would lack the compactness and slender profile of the device disclosed and claimed by Applicant. Thus Frantti does not teach or suggest nesting of the motor to an extent sufficient to provide a meaningful benefit in terms of a smaller or more compact air-conditioning device.

Accordingly, Applicant respectfully requests that the rejection of Claims 93-94 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

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**Dependent Claims**

Independent Claims 73, 87, 93-95 and 97 are thus believed to be allowable over the prior art of record. Dependent Claims 74-75, 79-80, 88-89, 91, 96 and 98, by virtue of their dependence on allowable base claims, as well as their recitation of novel combinations of features, are thus also allowable over the prior art of record.

**Double Patenting Rejection**

Claims 1-2 and 69-97 were rejected under the doctrine of obviousness-type double patenting. In accordance with the Examiner's suggestion, Applicant submits herewith a terminal disclaimer under 37 C.F.R. § 1.321(c), thereby obviating the double patenting rejection.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-2 and 69-97 on this basis be reconsidered and withdrawn.

**Conclusion**

In view of the foregoing amendments and remarks, applicant respectfully submits that all pending claims are in condition for allowance, and such allowance is earnestly solicited. If any issues remain to be resolved, the Examiner is invited to call the undersigned such that any remaining issues may be promptly resolved.

Respectfully submitted,

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Dated: Sept 25, 2000

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